IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 30998 of 2006(M)

OS.549/1999 of PRL.SUB COURT,THRISSUR .

PETITIONER:

GIRIJA, AGED 40,
W/O. JANARDHANAN, KAMBILI HOUSE,PANAMCHERY VILLAGE
THEKUPADAM DESOM, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT:

RURAL KURIES (P) LTD.,
REP. BY ITS CHAIRMAN, KIZHAKE ANGADI,
CHEMBUKAVU VILLAGE, THRISSUR TALUK.

BY ADV. SRI.M.K.SUMOD
SRI.KAUSER EDAPPAGATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.30998/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PLAINT IN OS. NO. 549/99 ON THE FILE OF THE SUB COURT, THRISSUR DT.16.7.99.

EXT.P2:- COPY OF THE EP. NO.477/04 IN OS. NO.549/99 SUB COURT, THRISSUR DT.30.7.04.

EXT.P3:- COPY OF THE OBJECTIONS FILED BY THE PETITIONER DT.28.7.05.

EXT.P4:- COPY OF THE SALE PROCLAMATION ISSUED IN EXT.02 DT.13.1.06.

.EXT.P5:- COPY OF THE APPLICATION FILED BY THE PETITIONER AS EA. NO.2114/06 IN EP. NO.477/04 IN OS. NO.549/99 SUB COURT , THRISSUR DT.30.10.06.

EXT.P6:- COPY OF THE OBJECTIONS SUBMITTED BY THE RESPONDENT TO EXT.P5 DT. NIL.

/TRUE COPY/

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M.SASIDHARAN NAMBIAR,J.

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W.P.(C) NO.30998 OF 2006

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Dated this the 19th day of January, 2007

JUDGMENT

Petitioner is the judgment debtor. Respondent is the decree holder. For realisation of the decree debt, the property of the petitioner was sold in E.P.477/04 and was purchased by the decree holder. Petitioner filed an application under Rule 90 or Order XXI to set aside the sale. It is pending. It was filed after confirmation of sale. This petition is filed for a direction to the Sub Court to dispose the same within a time fram and direct the executing court not to deliver the property till then.

2. Learned counsel appearing for petitioner and respondent were heard.

3. Learned counsel appearing for petitioner submitted that petitioner is prepared to pay the entire amount due to the decree holder auction purchaser including the cost, interest and expenses

within two months and delivery of the property may be kept in abeyance for two months. To enable the petitioner to settle the dispute with decree holder executing court is directed to keep the order for delivery in abeyance for two months.

Writ Petition is disposed as above.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006